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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CR 08-00512 JF
	)	
Plaintiff,	)	STIPULATION TO CONTINUE
	)	PRETRIAL CONFERENCE AND
v.	)	<del>[PROPOSED]</del> ORDER
	)	
OMAR CARBALLO-DELGADO,	)	
	)	
Defendant.	)	

It is hereby stipulated by and between counsel for the UNITED STATES and counsel for the Defendant, OMAR CARBALLO-DELGADO, that the February 20, 2009 date set for a pretrial conference be continued to April 1, 2009 for a status hearing. This continuance is necessary to provide sufficient time for the probation office to complete its pre-plea report and for the parties to meet before the Honorable Magistrate Judge Richard Seeborg for a settlement conference. Additionally, the parties stipulate that the time through April 1, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of

1 justice served by granting the requested continuance outweigh the best interest of the public, and  
2 the defendant in a speedy trial and in the prompt disposition of criminal cases.

3  
4 Dated this 22<sup>nd</sup> day of January, 2009.

5 /s/  
CHAD MANDELL  
6 Special Assistant U.S. Attorney

7 Dated this 22<sup>nd</sup> day of January, 2009.

8 /s/  
THOMAS NOLAN, Esq.  
9 Counsel for Omar Carballo-Delgado

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11 GOOD CAUSE APPEARING,

12 IT IS ORDERED that the date set for the pretrial conference set for February 20, 2009 be  
13 continued for status to April 1, 2009 at 9:00 a.m. The trial dates are vacated.

14 Dated this 26 day of January, 2009

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16  
17 JEREMY FOGEL  
18 United States District Judge